

V/F  
Binney  
no. 4

# The "Staff" Question.

*Hibbert  
Binney*  
Letters of the Bishop of Nova Scotia,  
1819-1887

AND THE

REV. MR. FITZGERALD'S REPLIES THERETO.

&c., &c., &c.

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## The "Staff" Question.

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THE following correspondence has arisen in consequence of the Rector's refusal to admit the Bishop's Staff into St. Paul's Church, in which he was supported by the Church Warden then present :—

CHARLOTTETOWN, August 29, 1872.

*The Church Wardens of St. Paul's Church :—*

GENTLEMEN :—In consequence of an insult offered to me this morning, by your Rector, in the Vestry Room of St. Paul's Church, and his determined resistance to my Episcopal authority, in which he was supported by one of yourselves, (in the name of the congregation), I am compelled, most reluctantly, to inform you that I cannot, consistently with due regard to my office, subject myself to the risk of a repetition of such conduct, by again officiating in that Church, while the present Rector continues to officiate, or the congregation, as represented by their church officers, acquiesce in his opposition. It is of no consequence whether the matter in question be important or otherwise. If a Rector may dictate to his Bishop the mode of his administration of any one rite or ceremony of the Church, he may do so also in any other case. A great principle is at stake; and it would be a gross dereliction of duty on my part to submit to such dictation. It is particularly to be observed that the Rector was *not* required to *perform any act*, and that there could be no responsibility on his part; for he can have neither a legal nor a moral right to control his Bishop's acts. He was perfectly at liberty to express a wish, or an opinion, as to the expediency or propriety of any particular act, but no further interference could be justified. Whereas this morning he positively declared that the Bishop *should not*, according to his ordinary practice when he is attended by a Chaplain, have his staff carried before him in St. Paul's Church.

With respect to the use of the Staff, I have to inform you, that I have used it ever since I received one presented by a large body of the clergy of Nova Scotia, and that the neighboring Bishops of Newfoundland and Fredericton have habitually

used a Pastoral Staff for many years, as a suitable and appropriate emblem of office. Neither is there anything more superstitious or objectionable in it, than in the mace, or other official insignia, borne before some high civil functionaries. However, the propriety or impropriety of using the Pastoral Staff is a matter of opinion, which I need not discuss. The question is:—Ought a Bishop to submit to the dictation of one of his clergy as to his vestments, or ornaments, or mode of officiating on any occasion? He who would allow such dictation, would sanction the subversion of all order, and something worse than anarchy in the church, in which he has been invested with authority and responsibility.

Although on some points, I may unfortunately differ from the Rector and congregation of St. Paul's, I have always treated their wishes and feelings with great consideration; and if your church were more frequently opened for public worship, I would gladly avail myself of the opportunity to unite with you in such worship. When taking part in the service there, (notwithstanding that it is my duty to guide rather than to follow,) I have always refrained, as far as possible, from any variation in the order to which you have been accustomed; and although I think there is room for improvement, and that much more life and heartiness might be imparted to them, I have not interfered. It is perfectly well known that I am ready to concede the utmost liberty to all parties, within the broad limits allowed by the Church of England, without partiality, and without undue preference of one to another, but I cannot sanction the assumption by any individual clergyman of the right to dictate to his brethren, or to coerce his Bishop, even where that individual is himself a scrupulous observer of all the rules and orders of the church in which he ministers. Being, for many reasons, deeply interested in the congregation assembling in St. Paul's Church, and sincerely anxious for their welfare, it is with extreme reluctance that I have to announce to you the consequences of the conduct of the Rector and Church Warden this morning. My decision is not hastily formed, with reference to this particular case, for I have long been convinced that, in case of any such unwarrantable interference with my functions, as that to which I have been subjected to-day, it would be my duty to separate myself from the minister and people by whom the office of the Bishop is so lightly regarded, until they return to a better mind.

Heartily praying that you may be guided aright,

I am, dear Sirs, yours faithfully,

H., NOVA SCOTIA.

At a meeting of the Congregation, held on the 12th September, to take into consideration the foregoing letter, the Rector handed in a list of authorities in justification of the action he had taken, and is as follows:—

The First authority I produce in support of what I have done, is the 43d George 3, Cap. 6:

An act for the better and more effectual establishment of the Church of England in this Island. The 1st section of this act says:—

“Be it therefore enacted by the Lieut. Governor, Council and Assembly, That the sacred rites and ceremonies of Divine Worship, according to the Liturgy of the Church established by the laws of England, shall be deemed the fixed form of worship amongst us: and the place wherein such Liturgy shall be used, shall be respected and known by the name of the Church of England, as by law established. And that for the preservation of unity and purity of doctrine and discipline in the Church, and the right administration of Sacrament, no minister shall be admitted to officiate as a minister of the Church of England, but such as shall produce to the Governor, Lieut. Governor, or Commander-in-Chief for the time being, a testimonial that he hath been duly licensed by the Bishop of London, or by the Bishop of Nova Scotia, and shall publicly declare his assent and consent to the Book of Common Prayer, and shall subscribe to be conformable to the orders and constitutions of the Church of England, and the laws there established.”

According to this act, I conceive that the same laws, which from time to time govern the Church of England in the mother country, govern also the several churches in this Colony which are in connection with it, and that the several judgments of the Privy Council are binding upon its ministers.

If then a Bishop, in accordance with the Liturgy of the Church of England, has received no authority at his consecration for the use of a Pastoral Staff in the ministrations of his office in the church at home, he has received none for its use in the churches here.

2. My next authority is: That the alleged discretionary power of the Bishop, as referred to in the Preface to the Prayer Book, gives him no right to introduce any novelties, or unauthorized ceremonies, into our church. Here it is said:—“And forasmuch as nothing can almost be so plainly set forth, but doubts may arise in the use



and practice of the same. To appease all such diversity, (if any arise,) and for the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this Book; the parties that so doubt, or diversely take any thing, shall alway resort to the Bishop of the Diocese, who by his discretion shall take order for the quieting and appeasing of the same; so that the same order be not contrary to anything contained in this Book." The discretionary power here given, does not apply to the case before us. The Rector and the congregation are not in doubt about the illegality of the introduction of a Pastoral Staff, and they have not referred the matter to the decision of the Bishop, and even if they had any order made by him in support of its use, must be in opposition to the order of the Prayer Book as shown in the form of consecrating Bishops where no such staff is used.

3. My next authority is the 2d Revised Book of Edward VI., contrasted with the 1st Book passed in the second year of his reign. In the 1st Book, 1549, certain notes were appended at the end for the more plain explication and decent ministration of things contained in this Book, one of which was:—"And whensoever the Bishop shall celebrate the holy communion in the church, or execute any other public ministration, he shall have upon him, beside his rochette, a surplice or alb, and a cope or vestment, and also his Pastoral Staff in his hand, or else borne or holden by his chaplain."

But in the 2d or Revised Book, 1552, a notice in an altered form appears at the beginning of the Book after the Act of Uniformity which gave authority for its use, and is as follows:

"And here is to be noted, that the minister at the time of the communion, and at all other times in his ministration, shall use neither alb, nor cope, but being Archbishop or Bishop, he shall wear a rochet, and being a priest or deacon, he shall have and wear a surplice only."

In this altered rubric in the new Service Book, the former being no longer of authority, the dress both of the minister and Bishop is changed, and the latter receives no authority for the use of a Pastoral Staff in the ministration of his office.

Again, in the 1st Book of Edward, the first Rubric in the Form of consecrating a Bishop runs thus: "After the gospel and credo ended, first the elected Bishop having upon him a surplice and a cope, shall be presented by two Bishops (being also in surplices and copes, and having their pastoral staves in their hands) unto the Archbishop," &c.

But in the 2d Book the Rubric was altered, and runs thus:

"After the gospel and credo ended, first the elected Bishop shall be presented by two Bishops unto the Archbishop."

Here nothing is said about the dress of the Bishop, or that of the two Bishops who presented him, and no direction is given to their carrying pastoral staves, because such emblems of their office had been done away,

Again, in the 1st Book of Edward. In the course of the ceremony of consecrating Bishops there were two rubrics; one directing the Archbishop to "lay the Bible on the neck" of the newly elected Bishop, saying, "give heed unto reading," &c., and the other directing him to "put into the Bishop's hand a pastoral staff, saying, Be to the flock of Christ a Shepherd, not a wolf, feed them, devour them not," &c.

But in the 2d Book the first of these rubrics is altered, and the second is altogether left out. The Archbishop is directed to "deliver the Bible to the Bishop," saying the words as quoted before, and without any break in his address, or any delivery of a pastoral staff—he tells him to be to the flock of Christ a Shepherd. So that according to the 2d Book of Edward, made legal by the act of uniformity passed in the fifth and sixth year of his reign, no staff was handed to a Bishop on his consecration, and no authority was given for its use.

4. My next authority is the Act of Uniformity, 1 Elizabeth, cap. 2, 1559, which restored the 2d Book of Edward, (which had been repealed by Queen Mary) and ordered it to be used. The 2d section of this act declares—

"That the said Book, with the order of service, and of the administration of sacraments, rites and ceremonies, with the alteration and additions therein added and appointed by this statute, shall stand, and be, from and after the said Feast of the nativity of St. John Baptist, in full force and effect, according to the tenor and effect of this statute, anything in the afore-said statute of repeal to the contrary notwithstanding." The 3d section says:—

"And further be it enacted by the Queen's Highness, with the assent of the Lords and Commons in this present Parliament assembled, and by authority of the same, that all and singular ministers in any cathedral or parish church or other place within this realm of England, Wales, and the marches of the same, or other the Queen's dominions, shall, from and after the feast of the nativity of St. John Baptist next coming, be bound to say and use the Matins, Evensong, Celebration of the Lord's Supper, and administration of each of the sacraments, and all their common and open prayer, in such order

and form as is mentioned in the said Book, so authorized by Parliament, in the said 5th and 6th years of the reign of King Edward the 6th, with one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the Litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants, and none other or otherwise." And the last clause in the act declares "that all laws, statutes and ordinances, wherein any other service was established, shall from henceforth be utterly void and of none effect." Thus was the 2d Book of Edward restored and made legal, and the 1st Book repealed.

5. My next authority is the universal practice of the church from the passing of this act to the present time.

Dr. Nicholl's, in his commentary on the Book of Common Prayer, published in the reign of Queen Anne, over 160 years ago, says:—"In the rubric of King Edward's second Common Prayer Book, confirmed likewise by act of Parliament, the *cope and pastoral staff* are omitted, and therefore were not used by the Bishops, either since the Restoration or all along Queen Elizabeth's time, that I can find."

Bishop Burnett, in his History of the Reformation, says:—"On the 17th of December, Parker was consecrated in the chapel of Lambeth, by Barlow, Scory, Coverdale and Hodgkins, according to the Book of ordinations made in King Edward's time; only the ceremony of putting the staff in his hands was left out of the office in this reign," and Robertson, as quoted by Blakeney, says, "That no Bishop since the days of Queen Mary, has used a pastoral staff." And we know that, until the last few years, no Bishop of the Church of England has even assumed any such badge of his office, or used it in the ministration of the church; and that from the time of the restoration of the 2d Book of Edward, to the last revision in the time of Charles 2d, down to the present day, no Bishop has received any such emblem when consecrated to his high and holy office.

6. My next authority is the 14th Canon, which says: "All ministers, likewise, shall observe the orders, rites and ceremonies, prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying of prayers, or in administration of the sacraments, without either diminishing in regard of preaching, or in any other respect, or *adding anything* in the matter or form thereof." If then nothing is to be added to either the matter or form, as prescribed by the Prayer Book, where is the authority of a Canon (as errone-



ously alleged by some) for the use of a pastoral staff in the ceremonies of the church, which is an innovation upon, and an addition to, what that Book prescribes.

7. My next authority is the Act of Uniformity, 13 & 14 Charles 2, cap. 4, 1662, and the 36th Canon. The act requires every Parson, Vicar, or other minister whatsoever, to declare his conformity to the Liturgy of the Church of England, as by law established, also his unfeigned assent and consent to all and every thing contained and prescribed in and by the Book, intituled the Book of Common Prayer. And the 36th Canon requires every one about to be received into the ministry to declare "that the Book of Common Prayer, and of ordering of Bishops, Priests and Deacons, containeth in it nothing contrary to the word of God, and that it may lawfully so be used; and that he himself will use the form in the said Book prescribed, in public prayer, and administration of the sacraments, and none other."

This Book of Common Prayer, which all ministers have agreed to conform to, and to use, gives no authority in any form or ceremony therein, for a Bishop either to use a pastoral staff, or to force it upon a reluctant people.

8. My last authority is taken from certain judgments delivered by competent authority in matters connected with the observance of the rites and ceremonies of the Prayer Book, and the interpretation of the "ornaments rubric."

Lord Cairns in delivering the judgment of the Privy Council, in the case of *Martin v. Mackonachie*, says, "The object of a statute of uniformity is as its preamble expresses, to produce 'an universal agreement in the public worship of Almighty God,' an object which would be wholly frustrated if each minister on his own view of the relative importance of the details of the service, were to be at liberty to omit, to add to, or to alter any of these details."

The rule upon the subject has already been laid down by the Judicial Committee in *Westerton v. Liddell*, and their Lordships are disposed to adhere to it. "In the performance of the services, rites and ceremonies, ordered by the Prayer Book, the directions contained in it must be strictly observed, no omission and no addition can be permitted."

If then ministers are not to add anything to a ceremony but what is prescribed, in order that there may be an uniformity in public worship, and the manner of conducting the services of the Church, surely Bishops, who are ministers also, though of a higher order, are not above the law, and are not

at liberty to add anything to the ceremonies of the Church, and thus produce irregularity in place of uniformity, and disorder in place of order.

Again, he says: "The Prayer Book in its preface, divides all ceremonies into two classes: those which are retained are specified, whereas none are abolished specifically or by name, but it is assumed that all are abolished which are not expressly retained." According to this rule there being no *express direction* in the form of consecrating Bishops for handing a pastoral staff to the newly elected Bishop—such a ceremony is abolished, and there is no authority for its use. The giving of a staff is not *expressly retained*, and therefore it is *abolished*.

Similar is the judgment of Dr. Phillpotts, late Bishop of Exeter, an eminent ecclesiastical jurist. He rebuked one of his clergy for erecting a cross on the communion table, and declared it to be illegal and inappropriate. On its illegality he says:—

"Now, would it be lawful for any persons whomsoever, even for those officers to whose care the ornaments of the Church are especially committed; would it be lawful for them to deck the Lord's table, in preparation for the Holy Communion, with vases containing flowers, and with a cross placed on the table for the occasion? *Certainly not*; unless there be an *express or implied direction* so to do. *It is not enough that there be no express prohibition*. The very nature of the case, the general requisition of uniformity, and the positive enactment 'that no form or order of common prayer, administration of sacraments, rites or ceremonies, shall be openly used, other than what is prescribed and appointed to be used,' all alike lead to the same conclusion that it is not lawful for any person whomsoever, to introduce novel ornaments at his own discretion. In truth, where would the claims of such discretion end? If one person may, at his pleasure, decorate the Lord's table with a cross, another may equally claim to set a crucifix upon it, whilst a third may think it necessary to erect some symbol of Puritan doctrine or feeling to mark his reprobation of his Romanizing neighbor."

According to this sound rule of interpretation, as to what ought to be admitted into the ceremonies of the Church, where would the claims of discretion end? If one Bishop may, at his pleasure, cause an unauthorized staff to be carried before him, another may order a cross to be borne, another may order sundry banners with keys, and mitre, and various pictures to

be carried in procession, or where would there be any uniformity if ceremonies were to be allowed, for which there is no express or implied direction?

In a judgment given by Lord Hatherly, on the Vestments question, and the true interpretation of the ornaments rubric, *Hebbert v. Purchas*, he says:—"The provisions of the rubric of Edward 6th, are continued so far as they are not contrariant to other provisions still in force. And here is to be observed again that the rubric was altered after refusal to listen to the Puritan objectors to a form different to that of any former rubric by introducing the word *retained*."

Both in the statute of Elizabeth and the rubric in question, the word *retain* seems to mean that things should remain as they were at the time of the enactment, chasuble, alb, and tunicle had disappeared for more than sixty years, and it has been argued fairly that this word would not have force to bring back anything that had disappeared more than a generation ago. To *retain* means, in common parlance, to continue something now in existence. It is reasonable to presume that the alteration was not made without some purpose, and it appears to their Lordships that the words of the rubric strictly construed, would not suffice to revive ornaments which had been lawfully set aside, although they were in use in the second year of Edward 6th.

It is quite true that neither contrary practice nor disuse can repeal the positive enactment of a statute, but contemporaneous and continuous usage (is of the greatest efficacy in law for determining the true construction of obscurely framed documents. In the case of the Bristol charities, Lord Eldon observes: 'Length of time (though it must be admitted that the charity is not barred by it) is a very material consideration when the question is, what is the effect and true construction of the instrument?' Is it according to the practice and enjoyment which has continued for more than two centuries, or has that practice and enjoyment been a breach of trust? We may ask in like manner, what is the true construction of the Act of 1662, and of the rubric which it sanctioned? Is it according to the practice of two centuries, or was the practice a continual breach of the law commanded and enforced by the Bishops, including those very Bishops who aided in framing the Act?"

That the continued practice was not a breach of the law, their Lordships decided by condemning certain vestments and declaring that they were illegal, though in use at the time of the 1st Book of Edward.

The same rule, I conceive, applies to the case of the pastoral staff. The object of the rubric was not to restore what had been at the time of the enactment no longer in use, but to retain such ornaments as were in use at the time of the passing of the Act, and against the observance of which no law had been declared.

The word *retained*, used in the rubric, had reference to the state of things at the accession of Elizabeth, and the rubric only authorized the continuance of such ornaments as had not been abolished, not the restoration of those which had purposely been rejected.

In Queen Elizabeth's Book, it was ordered "That the minister at the time of the Communion, and at all other times in his ministrations, shall use such ornaments in the Church as were in use by the authority of Parliament in the second year of King Edward 6th." Yet this rubric had not the effect of bringing back the use of the pastoral staff which had been discarded by the second Book of Edward, for all through Elizabeth's reign no such emblem of the Bishop's office was used. At the revision of the Prayer Book, in 1661, the rubric was altered to the form in which we now have it.

The Savoy Conference objected to the wording of the old rubric, and said it *seemed* to bring back the alb, cope &c., forbidden by the 2d Book of Edward. Now, this rubric had been in force for many years, and yet they do not say or allege that it *had brought back* any of the vestments, but only that it *seemed* to bring them back, *i.e.*, I suppose might countenance their being brought back. Therefore, to meet this objection, the Legislature adopted the words of the proviso of Elizabeth's Act (25 sec.) viz., *retained*, which would not include things already obsolete or discarded, but would simply retain such ornaments as were then actually in use. The use of the pastoral staff was at the time of passing the rubric a thing unknown for more than 100 years, so that the use of the word retain did not give sanction to its use being revived, but rather left things as they were. The sacrificial vestments, chasuble, tunicle and alb had not been in use in 1662 for more than a century, and could not therefore be among the vestments *retained*, and so the Privy Council ruled, for they declared that such vestments were illegal. In like manner the emblem of a Pastoral Staff as an ornament in the ceremonial of the Church, had not been in use in 1662, for more than a century, and could not therefore be among the ornaments *retained*. Where then does the ornaments rubric, as interpreted by the

Privy Council, enjoin upon the Bishops of the Church the use of the pastoral staff in all their ministrations, when such ornament was not in use when the "ornaments rubric" was appended to the Prayer Book, and therefore could not have been one of the ornaments that had been *retained*.

The able ecclesiastical Lawyers who argued the question before the Privy Council, said: "The true interpretation of the rubric is that the legal ornaments of the minister are those mentioned in the 1st Book of Edward, provided they are such as were in use at the date of our present Book of Common Prayer."

According to this view the Privy Council decided against vestments which were not in use at the time of the passing of the Act of Uniformity and the appending of the rubric. Yet this is the rubric which Ritualists and their apologists have claimed for the restoration of Romish vestments and been defeated, and it is this rubric which others, in the present day, claim for the restoration of the pastoral staff into the ceremonial of the church, an emblem discarded for three hundred years, not recognized in the consecration of Bishops, either in the 2d Book of Edward, or Elizabeth's Book; or in the present and last Book of 1661, and which was not in use at the date of the last revision when the ornaments rubric was inserted.

From all these authorities, I contend, that the use of the pastoral staff into the ceremonies of our Church, after an absence of three hundred years, is a novelty as well as an uncanonical and illegal act, and therefore, I conceive, that the Rector and the congregation are fully justified in refusing it admission into their Church, subject as we are in this Colony to the "orders and constitution of the Church of England, and the laws there established."

After the reading of these authorities, and some remarks made thereon by different speakers, the following resolutions were adopted:—

1st. That this meeting having heard read the letter from the Bishop of Nova Scotia to the Church Wardens, and the statements made by the Rector and Church Warden in explanation of their action, and the authorities submitted by the Rector in support of the course pursued by him on the morning of Tuesday, 29th August, as well as the opinion now expressed by the different members of the congregation, are of opinion that the Rector and Church Warden were fully justified in the



course they pursued, and are entitled to the thanks of this congregation for their firm and decided action on that occasion, in thus preventing his Lordship from introducing novelties into the ceremonies of the Church, which, once allowed, might lead to other innovations that would be detrimental to the vital interests of the Church, and the preservation of her legal rights and privileges. There being, as we conceive, no legal authority for his Lordship to introduce any novelties into the services of the Church in this Island, subject as it is by statute (43 Geo. 111, cap. vi) to the orders and constitutions of the Church of England, and the laws there established.

2d. That this congregation has heard with regret the determination of their Bishop, expressed in his Lordship's letter to the Church Wardens, to the effect that he will not again enter St. Paul's Church. But they cannot admit that any conduct of their Rector, or their Church Warden, as explained by them, has afforded any sufficient grounds for such determination.

A copy of the foregoing Resolutions, with the Rector's statement, having been forwarded to his Lordship, the following reply was received:—

HALIFAX, October 16, 1872.

DEAR SIRs:—I have to acknowledge your copy of proceedings of a meeting held on the 12th ult., to take into consideration my letter of August 29th, addressed to you as Church Wardens of St. Paul's.

I cannot admit that proofs of the illegality of the use of the Pastoral Staff, *if such proof could have been adduced*, would have justified your Rector in the course pursued by him, since he has not been constituted a judge of the legality or propriety of his Bishop's ministrations under any circumstances, least of all could it be so, with respect to a service, with which neither he nor his congregation were at all concerned. He was merely requested to allow his Church to be opened, (at a time when it was not required for any other purpose,) for the solemnization of a Marriage, by the Bishop; a request which is always granted as a matter of course to parties who desire to have their own friends to officiate on such occasions.

In this case a *special* form of license was prepared, and addressed to the Bishop, who alone became responsible for the proceedings under it, and who was not bound to recognize the presence of any members of the congregation outside of the bridal party.

But I demur to the statement, that there is any *illegality* in

the use of the staff, which I believe to be, on the contrary, strictly in accordance with the law. Mr. FitzGerald admits, that it is enjoined by the *first* Prayer Book of Edward VI., and the Privy Council has decided, that this is unquestionably the Book mentioned in the "ornaments rubric," in our present Prayer Book, and that we have nothing to do with the *second* Book which he quotes. He affirms that *it* must now be unlawful, because the solemn delivery of the staff, to each Bishop at his consecration, ordered in that Book, was afterwards omitted; but this argument is refuted by a reference to the office for the administration of Priests, in which the Bishop is directed to deliver the chalice into the hand of each person so ordained, which order was afterwards omitted, and yet even your Rector will deny that the Priest is forbidden to use the chalice in his ministrations by that omission. This omission then proves nothing, and it is to be noted that whereas in the *first* Book the two presenting Bishops are to be "in surplices and copes, and having their pastoral staves in their hands;" in the *present* rubric they are not directed to wear any vestments at all, and yet no one supposes that they are not to appear in their robes. The fact is, that the Episcopal vestments and ornaments are not now anywhere authoritatively prescribed, except only that the Bishop, when presented for consecration, is to wear a rochet, and afterwards to put on "the rest of the Episcopal habit." What is thus signified is no where stated; and probably most persons would be surprised to learn, that, instead of the black satin now commonly used, this originally comprised a robe of scarlet cloth, which is still worn by the Bishops at the meetings of Convocation.

Again, there is no order for the addition of a long *train* to the Archbishop's robe; and, nevertheless, he has one supported by train bearers on great occasions.

Mr. FitzGerald relies much upon the judgment in the *Purchas* case, but it does not appear to me to have any bearing upon the pastoral staff; for that judgment was *not*, as he supposes, based upon the word "*retained*," so much as upon the canon which, having expressly ordered the surplice by implication, disallowed the other vestments. But there is no trace of any similar disallowance of the staff; and, in fact, it appears never to have fallen altogether into disuse. It would rather appear to be one of the "ornaments," of which, like the cope, the use had been neglected, but was still according to law. That it was retained up to a late date, by some of the Bishops, is certain, notwithstanding the authorities quoted by Mr. Fitz-

Gerald; for the staves of two Bishops of Winchester, who died respectively in 1706 and 1721, are preserved in that Cathedral. The staff has been used in the neighboring Dioceses of Fredericton and Newfoundland, for more than twenty years, and it is now used by many Bishops in England, and by more in the Colonies, without reference to any particular views. And a short time ago, two of the most decided opponents of ritualism, (so called,) who have had the experience of a quarter of a century in their respective Dioceses, (the Bishops of Melbourne and Adelaide,) accepted staves. The judgment of the Privy Council reviving the use of copes in Cathedral and Collegiate Churches, notwithstanding the disuse and destruction of this vestment in nearly all of them, is another proof that disuse does not imply illegality, nor even cancel the obligation to obey the law. In like manner, the use of cloths, of different colors, for covering the Lord's table; and, of crosses, "as were emblems of the Christian faith, and not as objects of superstition," was adjudged to be lawful; and notwithstanding the general disuse of credence tables, their Lordships said, "in practice they (the bread and wine) are usually placed upon the Communion table, before the commencement of the service, but this *certainly is not according to the order prescribed*. Nothing seems to be less objectionable than a small side table, from which they may be conveniently reached by the officiating minister, and at the proper time transferred to the Communion table." Having regard to these facts, I can only marvel at the extraordinary presumption of the clergyman who, in a remote Island, where he has no opportunity of consulting men learned in Ecclesiastical law, ventures to pronounce the use of the staff illegal, and, moreover, so *manifestly and unquestionably illegal*, that he is bound to resist his Bishop, when proceeding to exercise his functions with this emblem borne before him. This conduct is still more unjustifiable, when we observe, that this clergyman was himself wearing an ornament in violation of the law, which *allows nothing but a surplice*, his broad scarf being an ornament for which *no immemorial* usage can be pleaded, since its use by any, except dignitaries, has been introduced within the memory of living men. He, moreover, habitually, violates the law, by going into the Pulpit in a black gown, which is without the shadow of authority, and *without* the surplice which he is ordered to wear in "all his ministrations." And yet this man resists the entrance into the Church of his Bishop, preceded by the most fitting and appropriate insignia of his pastoral office!!

Having carefully read the statement, and the resolutions passed by the meeting, I must also express my surprise at the confidence, with which such an assembly decided, after merely hearing a statement, without further investigation, that the common practice of so many of the chief rulers of the church is illegal. I should have expected the legal gentlemen, at all events, to be a little more cautious, in giving an opinion, in a case of the merits of which some of them must have been entirely ignorant. These resolutions, however, more than justify the determination expressed in my letter; for now the congregation have made themselves parties to the insult offered to their Bishop, thanking the Rector for what they are pleased to call "firm and decided action," although it would have been more correctly designated as "defiant and insolent," both in manner and in language. In my letter I explained my reason, for determining not again to enter St. Paul's, to be that, if I were to go there, I should be exposed to a repetition of the same conduct, and that I should be admitting the right, of each of the clergy, to dictate the mode in which his Bishop shall officiate, and the vestments or ornaments which he shall use on any given occasion; so that, as nothing but the rochet (or linen vestment) is ordered, he might be required to lay aside his robes, scarf, and cap, and to officiate in the rochet, which alone was allowed by the *second* Prayer Book of Edward VI. Such submission would be a subversion of all order in the Church, and something worse than anarchy, since the *Bishops* would be placed *in subjection to the Priests*, of whom each one, in any given Diocese, might have a different opinion of what is proper for the Bishop; and yet your resolution states, that there is no sufficient ground for such determination! in other words, you ignore altogether the position of the Bishop, and the authority vested in him; and, while professing yourselves attached members of the Church of England, you formally adopt the principles of Congregationalism. If, at any time, a Bishop is supposed to be acting illegally, let the case be referred to the Archbishop; or let legal proceedings be taken against him, but it is no more to be tolerated that every man shall take the law into his own hands, in ecclesiastical, than in civil matters. I have always regarded and treated the Congregation of St. Paul's, as composed generally of intelligent attached members of the Church of England, who have suffered much through the neglect and inefficiency of their ministers, but who would readily embrace the whole truth, as handed down from apostolic times, if only it were set before them,

instead of the imperfect teaching with which alone they have been familiar.

I have grieved over the dulness and apathy, which are driving the young people away from you, and the decay of all earnestness and devotion, which must be expected under the ministry of your present Rector, who, himself disinclined to labor, is embittered by the contrast of the energy and self-sacrifice of others, and would like to have all ministrations as lifeless and unattractive as his own. And now, to my great sorrow, it appears that my fears have been only too well founded, and that the evil influences have at length so far prevailed that my good opinion of you must be abandoned, since I can no longer look to you as upholder of the order and discipline of the Church of England, derived from the Holy Scriptures. What may be the consequences of your rejection of the authority of the Bishop, to which you and your Rector are subjected, both by the law of the Church and of the State, I need not now enquire; but as your decision has been deliberate and unequivocal, I have no alternative but to accept it, and govern myself accordingly.

Most sincerely deploring this sad state of things, and praying that the Great Head of the Church will be pleased to preserve you from the power of the evil one, and from the dangers to which you are exposing yourselves.

I am, Dear Sirs, yours faithfully,

H., NOVA SCOTIA.

At the Annual General Meeting of the Congregation, held in April last, the Bishop's reply having been read, the Rector read the following explanatory reply:—

APRIL 14, 1873.

*To the Congregation of St. Paul's:—*

MY DEAR BRETHREN:—While having every due respect for the office of a Bishop, and with every desire to render unto our chief Pastor true canonical obedience, with full submission to all his just rights and dignities, I do not think I would be justified, having due regard to the maintenance of my own rights, and the preservation of your liberties, were I to admit an illegal and confiscated emblem of authority into our church; nor do I conceive I would be acting with justice towards you, who have confirmed the action already taken in resisting the use of this staff, were I to allow his Lordship's second letter to remain unnoticed, as silence might be taken as an admission



that his arguments were unanswerable, and that we had no reply to make.

His Lordship commences by saying that, inasmuch as a special license was prepared, and addressed to him, he alone became responsible for the proceedings under it, and was not bound to recognize the presence of any members of the congregation outside of the bridal party. But his Lordship seems to forget that the use of the church was given on the express condition that the marriage ceremony was to be performed as it had been done by himself on a former occasion, and no special license could have given him authority to set aside these conditions, or sanction the introduction of innovations into the ceremonial of the church which were opposed to the wishes of the Rector, and abhorrent to the feelings, not only of the general congregation, but of the large majority of those who composed the bridal party.

He then says, that the non-delivery of the staff at the time of the consecration of the Bishop, does not show that it is illegal to use it, inasmuch as the non-delivery of the chalice at the time of the ordination of Priests, does not prevent them using it in the administration of the Lord's Supper. To this it may be replied, that the minister uses the chalice in his ministrations, not because in former times he received a chalice at his ordination, which ceremony was afterwards omitted but, because, on the administration of the sacrament of the Lord's Supper, he is directed by the rubric in the Communion service "to use it," and "to deliver it to the people." And, in passing, we may notice that there seems to have been good reason why the ceremony of delivering a chalice to the priest, at his ordination, was omitted.

In the 1st Book of Edward VI., in the form of ordering Priests, we find the following rubric: "The Bishop shall deliver to every one of them the Bible in the one hand, and the chalice, or cup, with the bread in the other hand, and say: Take thou authority to preach the Word of God, and to minister the Holy Sacraments in this congregation."

But in the 2d Book of Edward this rubric was altered, leaving out the giving of the chalice, and runs thus: "The Bishop shall deliver to every one of them the Bible in his hand, saying: Take thou authority to preach the Word of God, and to minister the Holy Sacraments in this congregation, where thou shalt be so appointed."

In the last revision of the Prayer Book, as we now have it, there is no authority to deliver the chalice with the bread to

the priest at his ordination, though he is directed in the common service to use the chalice in the ministration of the sacrament. The question is, why was the delivery of the chalice at ordination omitted? because it can be shown that there is no trace of such a ceremony in any Ritual for 1000 years after Christ, and this novelty is admitted by the Maynooth Text Book. The Council of Florence declared that the matter or visible sign of Priesthood, was the delivery of a chalice with wine in it, but our church which rejected the notion of sacrificing Priests, and regarded her ministers as dispensers of the word and sacraments, wisely rejected a Romish ceremony in their form of consecration, and would not have any ceremonial which would lead the people to imagine that ministers when administering the bread and wine were the offerers of any sacrifice.

He charges me, when using a broad scarf, with wearing an ornament in violation of the law—and with habitually violating the law by going into the pulpit in a black gown, which, says he, is without the shadow of authority. With regard to wearing a scarf over the surplice, there is good reason to believe that the scarf is really the *tippet* referred to in the 74th canon, wherein graduates are directed to wear gowns “with hoods, or tippets of silk or sarcenet.” The disjunctive distinguishes the tippet from the hood. The 58th canon directs: “Nevertheless it shall be lawful for such ministers as are not graduates, to wear upon their surplices *instead* of hoods some decent tippets of black, so it be not silk.” It is very clear that the tippet is not a hood. Bishop Montagu enquires:—“Doth your minister officiate in the habit of his order, with a surplice, an hood, a gown and a tippet”? The tippet is here added to the hood. The canon does not authorize the wearing of any hoods by non-graduates. Archbishop Grindal calls it a *kind* of stole over the neck, hanging from either shoulder, and falling down almost to the heels; which he would not thus designate if it were the stole which he had himself forbidden. Bishop Jebb says that the scarf is to this day in Ireland designated the *tippet*.

There is no reason to doubt the identity of the scarf and tippet. The stole was discarded by the Reformers. The scarf has been used at home as far back as I have any recollection, and by the oldest ministers of our church, who, doubtless, used it after the example and practice of their predecessors. The use of the scarf depends on the custom of the place, and ancient privilege.

In the University it is a mark of a doctor's degree in undress when he wears an M.A. gown. If, in holy orders, he wears it over his surplice among the clergy, it is the distinction of a nobleman's, or other person's, chaplain. And in parish churches, it follows the custom of the place, depending on the patron, and in general, on manorial rights. Originally it was of the color of the patron's livery, the incumbent being the patron's chaplain; for uniformity sake the color was reduced to black, and the patron's mark was lost sight of. So, at funerals, the mourners offer a scarf with mourning colors to the officiating minister. Acting for them in that service, it represents personal dignities, as does the order and collar of the garter over the surplice. The custom and privilege of the place is known by the local usage and precedents of continuous observance, often immemorial and legal in usage thereby. At home it has been the custom to wear a scarf; here I found it to be also used, and I know no reason why I should now discard it, and look upon it as an unlawful ornament. With regard to the use of the black gown, alleged by the Bishop to be also illegal, and without the shadow of authority, the following are some of the reasons why I use this dress in the pulpit, and consider it to be perfectly legal, and supported by good authority.

The rubrics of the first Book of Edward VI., though giving precise directions as to the use of various vestments in the different services, gives none as to the preacher. The only reference to the point in the first book, is found in the rubric relating to vestments, which is as follows:—

“In the saying or singing of matins and evensong, baptizing and burying, the minister in parish churches shall use a surplice. And in all Cathedral churches, &c., the Archdeacon, &c., being graduates, may use in the quire besides their surplices, such hoods as pertaineth to their several degrees, &c. But in all other places every minister shall be at liberty to use any surplice or no. *It is also seemly that graduates, when they do preach, should use such hoods as pertaineth to their several degrees.*” Here it is not said that when they do preach they shall use “beside their surplices” their hoods, an omission which Archdeacon Harrison says “is very remarkable when contrasted with the precise direction given as to the surplice in the other cases, and compared with the clause with which it is associated, relating to its non use.” He further shows that when the first book was compiled, preaching was a rare occurrence unconnected with the ordinary ministrations

of the priest, and says: "The office of the preacher was identified rather with the ordinary dress or habit of the friar, or doctor, or master of arts. The sermon in the University pulpit, or at Paul's Cross, or any other like place, was preached not in the surplice, but in the gown or habit.

And so also in regard to sermons preached in churches; as the friar would come in his proper habit, so would the preacher in his university habit, or gown, with his hood, both alike being part of his own proper dress, and therefore not provided by the parish"? "It was the custom," says Dr. Blakeney, "before the Reformation, for the preacher to appear in his ordinary attire, and our Reformers made no alteration in this, merely directing in the first book that it was 'seemly that graduates when they do preach should use such hoods as pertaineth to their several degrees,' a direction, which evidently implies that the cope, then used in the communion service, was not the pulpit dress, for who would think of putting a hood over either vestment or cope, richly embroidered as they were." That the gown has been always recognized as the garb of the preacher, is evident from the following authorities. In 1562, propositions for ecclesiastical reform were made to convocation. Amongst which were the following:—

"That the use of copes and surplices may be taken away, so that all ministers in their ministry use a grave, comely and side garment, as *commonly they do in preaching*." The latter part of this passage shows plainly that the surplice was not the garb of the preacher.

Amongst the canons of 1571, we find the following: "In preaching they shall use a very modest and grave garment, which may become and adorn the minister of God, and such as is prescribed in the book of advertisements." The reference to the book of Advertisements relates evidently to the ordinary apparel of the minister there described. The general practice of the Church at that early period is very clear from these documents; and if further evidence were needed, it is found in the fact that the Puritans ridiculed not only the change of dress, but the gown itself. Strype informs us that about the year 1565, a book was published under the title of "A Pleasant Dialogue between a soldier of Berwick and an English Chaplain," in which the Puritan author ridicules the change of dress: "Now black, now white, now in silk and gold, and now at length in this swouping black gown, and this sarcenet flaunting tippet," in allusion to the ordinary dress, the surplice, the cope worn in Cathedrals, the preaching gown and tippet.

"This testimony," says Harrison, "seems conclusive as to the change of dress." Accordingly, we find that Mr. Wm. Day, at the opening of the Convocation of 1662, which established the 39 Articles, preached in St. Paul's, *not in the surplice*, but in his habit, as Bachelor of Theology. And so it continued even in subsequent reigns. Charles I. sent instructions to the Archbishops of Canterbury and York, directing that—"Where a lecture is set up in a market town, it may be read by a company of grave and orthodox divines near adjoining, and in the same diocese, *and that they preach in gowns*, and not in cloaks, as too many do use."

Archbishop Laud, in his Metropolitcal Injunctions of 1635, inquired:—

"Whether have you any lecturer in your parish who hath preached in his cloak and *not in his gown*."

The works of the Dean of Canterbury were published in 1622, dedicated to James I., in which, amongst some medallions, is one representing the clergyman in the pulpit *in the full sleeved gown*, and wearing his hood.

The surplice is directed to be used in the pulpit in Cathedrals according to the 25th canon, and it may be shown that it was in some instances used in other churches, but these are exceptions to the general rule. Cripps gives the law of the case as follows:—

"As to the use of the surplice as a proper habit for the preacher, it never appears to have been even contemplated either by the canon or statute law, the directions of which appear so plainly to indicate the different times at which the surplice is to be used, that it is not easy to imagine in what manner an opinion could have prevailed, that its use had ever been considered proper in the pulpit."

The practice of preaching in the gown is regulated by *custom*. It was recognized by the Canons of 1571, and by the articles of Episcopal Visitations. It was continued in the days of the Reformation, and from that time to the present, and has ever been the dress of the preacher except in Cathedrals, whose laws are peculiar, and yet the Bishop says that preaching in the gown is without the shadow of authority. The proof is rather the other way. There is no shadow of authority for preaching in the surplice in parish churches, or for the rejection of the gown.

His Lordship is then pleased to say that I was defiant and insolent both in manner and language. This I most emphatically deny, and I appeal to the Church Warden, who was pre-



sent, if such was the case. There was neither insult nor dictation intended in what I said or did, nor for one moment offered. I simply refused to admit an unauthorized emblem of authority into our Church, which had not been in use in the ceremonies of our Church for hundreds of years, and was known to be distasteful, if not *abhorrent*, to the feelings and wishes of the congregation. I do not conceive that the just maintenance of individual rights should be construed as defiant and insolent, least of all the action of an incumbent, when defending his own undoubted rights, and protecting the rights and privileges of the congregation committed to his care. On the contrary, I should say that the minister who would quietly allow innovations of a dangerous character to be brought into his Church, or see the rights and privileges of his people invaded, without resistance, or suffer his flock to be distracted or torn asunder by the introduction of illegal and unauthorized ceremonies and ritualistic observances through fear of being supposed to have acted in an unbecoming manner, would be guilty of betraying his trust, and be unworthy of his position.

The Bishop further says, that if at any time a Bishop should act illegally, let the case be referred to the Archbishop, or let legal proceedings be taken against him. I have no objection whatever that his Lordship should refer the matter to the Archbishop, and tell him that I refused to admit an authorized staff into our Church. But it is unreasonable, as well as impracticable, to expect a Rector or a congregation to promote a suit of discovery to find out the legality of unaccustomed observances. If we have acted illegally, let the Bishop show that we have done so. It is enough for us to know that the introduction of a staff, after 300 years of continuous disuse, is an innovation, and an innovation always carries a presumption of illegality.

It is for the Bishop to show the legality, or get these innovating staves decreed by lawful authority, and their legality cannot be shown by quoting the acts of other innovating Bishops, or presentations by a Romanizing party in the Church, nor by special pleadings on a suppressed book and former rubrics.

He says that the staff is an appropriate emblem of his office, and that it was presented to him by a large body of his clergy. Now, there is no such emblem of the Bishop's office, in use in the ministrations of the Reformed Church of England, as shown in her Prayer Book. In truth, it is an emblem of power, (long since happily done away), and as such cannot

come except from the Crown, for the inferior clergy cannot give an authority which never lay in them. So that under the plea of receiving a staff from the clergy of a Diocese which is governed by a Synod, and not by the laws of the established Church, the Bishop in reality usurps the functions of the Crown, and seeks, under the threat of excommunication, to force a confiscated and unauthorized emblem upon us, who are a separate and independent Colony, and are governed by the rules and constitutions of the Church of England, as by law established.

Continuous custom, usage and precedent are on our side, and these form proofs presumptive in favor of or against a doubtful act. Besides, we have an Act of Parliament on the specific subject and orders in Council, as to the disposal of the pastoral staff being one of those ornaments which the Crown abolished, and ordered to be destroyed.

Edward VI. and his Council appointed Commissioners in the spring of the year 1553, who were directed to go throughout England and visit the several Cathedrals and parish churches, and after reserving for every Church one chalice or cup, with table cloths for the Communion board, to take possession of all remaining church goods—that is to say, jewels of gold and silver, crosses, candlesticks, censers, chalices, and all other such like, with their ready money, and deliver them to the master of the King's Jewels in the Tower of London,—and to deliver all copes and vestments of cloth of gold, cloth of tissue and silver, to the master of the King's Wardrobe in London; and to sell all other copes and vestments and *ornaments*, and to deliver the money to the King's Treasurer. All this was done—staves were confiscated, crosses were sent into the Treasury, melted down and destroyed, as appear by the Chronicle.

The fact that the "staff" at St. Paul's Cathedral was not destroyed, and that the staves of two Bishops of Winchester, who died respectively in 1706 and 1721, (as alluded to by the Bishop of Nova Scotia) are preserved in that Cathedral, is, however, by no means a proof that the staff is a legal ornament, and may be used in any or every Church, for in the case of St. Paul's Cathedral, the staff was allowed there by special privilege, as the Dean and Chapter requested the Commissioners who had authority to destroy it, to allow it to remain; and with respect to Winchester, here also it may have been allowed by special privilege.

On the Bishop's own showing, the staff is a novelty un-

known to the Reformed Church, and without usage or precedent, for he cites two separate and discontinuous cases in only one Diocese of England, and that Diocese pretending to exceptional and feudal privileges, as having been once a royal residence, and even in this case, two only out of the entire body of Bishops, who successively ruled in this Diocese, can be found who violated the law, and were the bearers of this relic of the dark ages, emblem of mediæval pomp, and badge of temporal power. Surely two isolated cases cannot create usage, or be quoted as a precedent, and it was only last year that the Bishop of Hereford, in accepting a staff presented to him, expressly stated that he would not introduce it into any Church where the incumbent objected to it. This promise on the Bishop's part appears to have followed and flowed out from our refusal, and so far fortifies us in its continuance, for if lawful no Bishop would surrender his right, nor could a right to object be acknowledged. The Bishop also speaks of Episcopal vestments. The term vestment is not now used for the apparel of either Bishops or Clergy. The Bishop's dress consists of two parts, the "rochet," or surplice of lawn, without sleeves, and "the rest of the Episcopal habit," or the outer garment of black satin to which the lawn sleeves are attached, called the Chimere. This style of dress has been in continuous use since the 6th of Edward VI. Dr. Blakeney says that in the reign of Elizabeth it was changed from scarlet to black, owing to the objections of Bishop Hooper. This was by an order in Council, the Crown ordering all official habits in the realm, and checking them by presentation at Court.

In 1552, we find Bishop Ridley, of London, when the New service book of Edward was introduced, preaching at St. Paul's, in his rochet only, without cope or staff. The Chronicle of that year thus reads: "The 1st of November being the Feast of all Saints, the new service book called of Common Prayer, began in St. Paul's Church, and the like through the whole city; the Bishop of London, Dr. Ridley, executing the service in his rochet only, without cope or vestment \* \* \* By this Book of Common Prayer, all copes and vestments were forbidden through England, and the prebends of St. Paul's left off their hoods, the Bishops their crosses, &c., as by an Act of Parliament at large is set out" Here the cross or crozier disappears, and under the "&c.," the Chronicle includes all other disappearing emblems, as the staff, the pall, the ring, and the mitre, formerly borne on every occasion,

If I understand aright, his Lordships remarks, about the

nature of the dress which Bishops may wear, it would appear they may still use the scarlet robe, which was discarded as an Episcopal habit, by order of Council, but is this the case? The robe the Bishop speaks of is the University robe of a D.D., and not the Episcopal habit, and the Bishops sit as Doctors in Convocation just as they vote in their Doctor's gown, the proctors refusing to accept their votes in Episcopal robes, black and lawn.

The Archbishop's train is part of his Episcopal habit, in fact the habit prolonged, the rubric not troubling to define the cut, or length, or fashion of the habit or gown.

The Bishop brings forward the practice of the Bishops of Fredericton and Newfoundland—as well as that of some of the Bishops at home, within the last few years, and in the Colonies, in support of his use of the staff. But the example of some contemporary Bishops, either at home or abroad, cannot be quoted as an authority; their act forms no precedent of usage, and the legality is yet to be discovered. For, like all ministers of the Church, the Bishops are bound by the declared law of the Church and realm, and can no more revive suppressed observances or ceremonial at their own will or judgment of expediency, than their clergy can revive vestments, banners, processions, or practices long since annulled, and recently declared illegal.

The Bishop tells us that “a great principle is at stake,” but what it is for which he seeks to force his staff upon us, he has not condescended to explain. It is better to wait for this information, for the staff in itself is the emblem of jurisdictions that have carried with them to many churches of old, and very many lowly members of Christ, sorrow and tribulation in this world. It remains to be seen whether it had not been better for the sake of truth and peace, that the Bishops had rebuked rather than accepted these unaccustomed, and, as it now appears, suppressed, forbidden, and confiscated emblems.

Our refusal to admit the staff is not unwarranted nor without sufficient grounds. The use leads to superstitious ideas, for the plea of “The Ritual Touch” is already put forward as attaching to these staves, as if the hand of the Bishop, or at least his Chaplain, a magic wand attached, and a virtue passed by them from the Bishop's hand, so that without this magic wand his ceremonial act was incomplete; whereas, our Church has made the investiture of a Bishop complete in his habit and his chair, and has excluded all other emblems what-

ever. Omission is the silent condemnation and rejection of customs, forms, and rites before allowed.

Not only are these magical virtues and superstitious pretences put forward and openly ascribed, but the staff exhibits pretensions to a jurisdiction incompatible with the Supremacy vested in the Crown; and threatens a repetition of the previous contentions between the Temporal and the Spiritual Powers. These are deep questions, but the withdrawal of the Royal Mandate and the Letters Patent, throws on the laity the necessity of protecting themselves from the encroachments of the spiritual power, as fidelity to the Crown obliges to a refusal of the emblems, that were confiscated for the very reason that they challenged the Royal supremacy.

As the Black Gown and surplice opened the whole trouble of late years, the pretensions of a Priesthood, and the Sacramental heresies, so in the staff lies ye hid times of conflict between the spiritual and the temporal powers—the usurpation of a Priesthood, and the erection of an attempted universal Theocracy, to the overthrow of the liberties of every congregation—for are not the Colonial Bishops, who have got rid of the Royal Mandate, and the Letters Patent, under which the lay rights were lodged in and protected by the Crown, now crying out for powers to enforce their jurisdiction, and the jurisdiction is represented by the Pastoral Staff and the Archiepiscopal Cross. Hence the solemn duty on our part, not merely of a protest, but of active resistance, unless we value not our liberties, and are unmindful of our rights.

An idle, formal protest, while at the same time we allowed the objected emblem, such as some have supposed would have been sufficient to protect our rights, and such as the Bishop proposed, would not have protected our Church from its intrusion, but would have led to the introduction of other novelities, and illegal observances, which would have tended to break up the Church, and scatter its members to the winds.

Every additional enquiry fortifies me in the position which we originally took up, and justifies us in still continuing our refusal to admit any such emblem into our Church.

His Lordship relies much on the "ornaments rubric" as his authority for using the staff, but this rubric is unquestionably restrained by the limitations contained in that of the second Book of Edward VI., and as Lord Hatherley has shown, contained in the word "retained," else a former book superseded by a later act, and a later book, would over-ride the subsequent



enactment, but it is needless to repeat this argument on this part of the question, as I have fully entered into it in my first reply. He further says that there is no trace of any disallowance of the use of the staff, that it was one of those ornaments which like the cope had fallen into neglect, but was still according to law. This I do not conceive to be the case, for the staff was not only left out of the ceremonial, in the form of consecrating Bishops, as prescribed by law, but it was actually confiscated by the Crown, destroyed by the Commissioners appointed by the King and Council, and has never since been restored to the use of the Church, nor even used, with the exception of a few isolated cases, by any of the Bishops from 1552 to the present time. Staff not disallowed, says the Bishop, when it was actually confiscated and destroyed!!

He speaks also of its being something worse than anarchy for the priest to dictate to his Bishop what ornaments he shall use on any given occasion, but the charge of rousing dangers and anarchy rests rather on the innovator than on those who stand on precedent and custom, observing the Nicene injunction, "to suffer only ancient customs, refusing all innovations."

The introduction of an unauthorized and confiscated staff, the emblem of sacerdotal pomp into the ceremonial of our Reformed and Protestant Church, is unquestionably an innovation no matter by whom introduced, and such an innovation cannot be covered by pretences of "improvement," "higher devotion," greater "life and heartiness" for all rites, ceremonies and customs, have been fixed and settled long since by supreme authority, and when examined these pleas resolve themselves into forms of a more objective and sensuous ceremonial, approaching the ideal Laodicean Church of the last times, on which the Holy Ghost has affixed the stigma of being a gorgeous Church, increased with goods, in want of nothing, but Christ.

The pretence of obtaining greater devotion by the introduction of novelties, and the use of a gorgeous ceremonial appears, to be a slander against the faith and hope of our forefathers, who discarded such things; men of proved piety and zeal, who gave evidence of the genuineness of their faith by their willingness to lay down their lives in its defence.

The Bishop declares that he withdraws from us, not we from him; we do not cease our communion with the saints of God for the matter of an earthly and superstitious bauble. Better far to have the good hand of the Lord our God with us,

the fellowship of his Spirit, and the sympathy and support of every true-hearted and right-minded member of our Church, than the usurped dominion of carnal elements and the superstitions of a "Ritual touch," by emblems of barbaric show against the <sup>act</sup> encroachments of Parliament, and our fidelity to the undivided Supremacy of the Crown.

What his Lordship says about your having suffered much through the neglect and inefficiency of your ministers, their imperfect teaching and disinclination to labor, I shall not condescend to answer, leaving you to judge whether such statements are true or not.

Trusting that we will all be found faithful in our allegiance to the Crown, and, above all, to the chief Shepherd and Bishop of our souls, and be ever ready to give a willing obedience in all things lawful and honest, to those whom He may set over us in spiritual things.

I remain, dear brethren, your ever faithful Pastor.

D. FITZGERALD.

After the reading of the foregoing, a vote of thanks was given to the Rector for his able explanation, and a copy of his reply was ordered to be forwarded to his Lordship, and thus the matter remains for the present.

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